

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ENRIQUE PEDRAZA,	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	NO. 06-4333
	:	
FRANKLIN J. TENNIS, et al.,	:	
Respondents.	:	

**ORDER**

AND NOW, this 6<sup>th</sup> day of February, 2007, upon consideration of the Report and Recommendation of Magistrate Judge Thomas J. Rueter, and the objections filed thereto, there being no basis on which to excuse the procedural default, the following order is entered:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The petition for a writ of habeas corpus is DENIED; and
3. A certificate of appealability is not granted, since petitioner has failed to make a substantial showing of the denial of any constitutional right.

BY THE COURT:

s/ Ronald L. Buckwalter, S. J.  
RONALD L. BUCKWALTER, S.J.